MINUTES

OF THE

NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: May 24, 2012

TIME: 9:00 a.m.

PLACE: Holiday Inn

Raleigh, North Carolina

SUBMITTED BY: Anthony B. Bonapart

Deputy Director

MEMBERS PRESENT: MEMBERS ABSENT:

Johnny Phillips Jack Ingle

Brad Smith
Mack Donaldson
James Taylor
Larry McClellan
June Ray

STAFF PRESENT:

Director Terry Wright

Deputy Director Anthony Bonapart

Board Secretary Nan Williams

Training Officer Judy Pittman

Field Services Supervisor Phillip Stephenson Attorney Jeff Gray

VISITORS

Michael D. Smith

Shawn Martin

Gerald Phillips

Joshua G. Myers

Dominique Montgomery

Donald Bingman

Kenneth Emminger

Peter Inman

Keith Handy

Francisco Collazo

James Daniels

Joshua G. Myers

Richard W. Crabtree

Reneth Emminger

Robbie Farmer

Lee Campbell Eric Lovette

David Kidder Allen J. Antiquina Steven Tichenor Johnnie Carlos Deshara Howard Richard Strickland Jr. David W. Wells Jordan Adams Richard Core Ben Griffin John Sartori

Jeraimie Hockman Jeff Westbrook Russell Archer Christopher D. Perry Donald Henelar Eddie M. Griffin Kyle Magnusson Jeff Suite

Paige Baratta Kristen Shamblin

Mr. Brad Smith re-opened the Screening Committee Meeting at 9:00 a.m. to handle a matter. Mr. Smith asked Mr. Clyde Lovette to come up front. Mr. Lovette waived the 15 days notice in regard to his appeal.

MR. DONALDSON MADE A MOTION TO RECESS THE SCREENING COMMITTEE. SECONDED BY MS. RAY. MOTION CARRIED.

CALL TO ORDER

The May 24, 2012 meeting of the North Carolina Alarm Systems Licensing Board was called to order at 9:05 a.m. by Chairman Johnny Phillips.

In accordance with the State Ethics Law, Attorney Jeff Gray read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matter coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Mr. Phillips welcomed all guests.

MR. SMITH MADE A MOTION TO APPROVE THE MINUTES FROM THE MARCH 22, 2012 BOARD MEETING. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Smith gave the Screening Committee report.

MR. SMITH MADE A MOTION TO APPROVE 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, AND 17 ON THE SCREENING REPORT. SECONDED BY MR. TAYLOR. MOTION CARRIED.

MR. SMITH MADE A MOTION TO APPROVE 1 AND 12 ON THE SCREENING REPORT. SECONDED BY MR. TAYLOR. IT WAS NOTED THAT MR. MCCLELLAN RECUSED HIMSELF FROM VOTING ON THESE TWO APPLICATIONS. MOTION CARRIED.

MR. SMITH MADE A MOTION TO APPROVE NUMBER EIGHTEEN ON THE SCREENING REPORT. SECONDED BY MS. RAY. IT WAS NOTED THAT MR. MCCLELLAN AND MR. TAYLOR RECUSED THEMSELVES FROM VOTING ON THIS APPLICATION. MOTION CARRIED.

MR. SMITH MADE A MOTION TO APPROVE NUMBER TWO ON THE SCREENING REPORT. SECONDED BY MS. RAY. IT WAS NOTED THAT MR. DONALDSON RECUSED HIMSELF FROM VOTING ON THIS APPLICATION. MOTION CARRIED.

Mr. Wright gave the registration report.

MR. TAYLOR MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Smith gave the Grievance Committee report.

Mr. Smith reported that he and Mr. Donaldson met as the Grievance Committee on May 23, 2012 from 1:00 p.m. until 4:10 p.m.

MS. RAY MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

Mr. Gray removed himself from counsel to the Board to present the following final agency decisions:

PETER A. INMAN - 12 DOJ 00367. This case was heard by Administrative Law Judge Joe Webster on February 28, 2011. The issue before the judge was whether grounds exist to deny his burglar alarm registration for committing a burglary of a dwelling and misdemeanor larceny and for lack of good moral character or temperate habits. Mr. Inman was present.

MR. DONALD MADE A MOTION TO ACCEPT THE JUDGE'S DECISION TO REVERSE THE DENIAL OF HIS REGISTRATION AND APPROVE IT. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

ROBERT JOHN FARMER - 12 DOJ 00887. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. The issue before the judge was whether grounds exist to deny his burglar alarm registration for lack of good moral character and temperate habits as evidenced by two counts of misdemeanor larceny, one count of misdemeanor breaking and entering, two counts of felony breaking and entering, and one count of felony larceny after breaking and entering. Mr. Farmer was present.

MR. SMITH MADE A MOTION TO ACCEPT THE JUDGE'S DECISION TO REVERSE THE DENIAL OF HIS REGISTRATION AND APPROVE IT. SECONDED BY MR. DONALDSON. MOTION CARRIED.

CLYDE ERIC LOVETTE - 12 DOJ 01498. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. The issue before the judge was whether grounds exist to deny his burglar alarm registration for a conviction of a crime involving moral turpitude and a lack of good moral character or temperate habits. Mr. Lovette was present.

Mr. Lovette stated that he has waived the fifteen days notice of hearing for this final agency decision.

MR. SMITH MADE A MOTION TO ACCEPT THE JUDGE'S DECISION TO REVERSE THE DENIAL OF HIS REGISTRATION AND APPROVE IT. SECONDED BY MS. RAY. MOTION CARRIED.

NICHOLAS CODY BAIRD - 11 DOJ 14492. This case was heard by Administrative Law Judge Augustus B. Elkins, II on January 31, 2012. The issue before the judge was whether to dismiss this contested case for Mr. Baird's failure to prosecute this case. Mr. Baird has not responded to any order nor has he offered any explanation for his absence at hearing.

MR. SMITH MADE A MOTION TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION THAT THIS CASE BE DISMISSED FOR MR. BAIRD'S FAILURE TO COMPLY WITH ANY INTERLOCUTORY ORDER AND HIS FAILURE TO APPEAR AT HIS SCHEDULED HEARING. SECONDED BY MS. RAY. MOTION CARRIED.

BREAK: 10:00 a.m. RECONVENED: 10:20 a.m.

SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith gave the following report:

- 1. Certified Alarm Technician level I The committee recommends approval for renewal for 6 CEU's for this course.
- 2. GE NX Series Control Panel The committee recommends approval for renewal for 6 CEU's for this course.
- 3. Starting My Own Business The committee recommends denial of this course because the course sponsor made changes to their program which prevents them from identifying individuals taking the course for NC ASLB CEU credit. This course may be reconsidered at a later date.
- 4. Designing an Access Control System The committee recommends approval for renewal 2 CEU's for this course.

MR. TAYLOR MADE A MOTION TO ACCEPT THE COURSES AS PRESENTED. SECONDED BY MS. RAY. MOTION CARRIED.

UNFINISHED BUSINESS

None.

OLD BUSINESS

None.

NEW BUSINESS

The Board approved the following meeting dates for 2013:

January 16th and 17th, 2013 - Raleigh, NC March 20th and 21st, 2013 - Raleigh, NC May 22nd and 23rd, 2013 - Raleigh, NC July 24th and 25th, 2013 - Raleigh, NC September 25th and 26th, 2013 - Raleigh, NC November 13th and 14th, 2013 - Raleigh, NC

Mr. Wright will check into one meeting held in Wilmington, NC in May, 2013 depending on how the budget is at that time.

MR. SMITH MADE A MOTION TO APPROVE ALL MEETING DATES AND LOCATIONS. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Jeff Gray read a letter from Mr. Ron Jackson, President of the North Carolina Electronic Security Association in regard to enhanced verification to cut down on false alarms. Mr. Jackson feels like the enhanced verification would be a sensible solution to save costs on false alarms while still providing appropriate response by law enforcement. Mr. Gray has researched this and feels that the Board has the authority and jurisdiction over alarm companies. He does not even think that Rules and Review would consider this.

The Board took no action on this discussion.

MR. DONALDSON MADE A MOTION TO REQUEST THE ATTORNEY TO SEND A LETTER TO THE ASSOCIATION NOTIFYING THEM OF THE BOARD'S DISCUSSION. SECONDED BY MS. RAY. MOTION CARRIED.

DIRECTOR'S REPORT

Mr. Wright presented the written report and advised as of March 31, 2012, the Alarm Board balance was \$199,427.89. The Education Fund balance was \$48,013.67. As of May 21, 2012, the Board has 937 licensees and 6481 registrants.

MR. TAYLOR MADE A MOTION TO APPROVE THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MS. RAY. MOTION CARRIED.

ATTORNEY'S REPORT

Mr. Gray reported on the following consent agreements:

- 1. John D. Sorrell/Defender Security Company Consent Agreement of \$9,976.00 has been executed and paid in full.
- 2. Clay Poindexter/Versa Technologies, Inc. Consent Agreement of \$2,856.00 was contingent on Mr. Poindexter's application; to date, he has not applied.

The Office of Administrative Hearings list was attached to the attorney's report.

Mr. Gray advised that the Board needed to vote on the changes to 12 NCAC 11 .0201 and 12 NCAC 11 .0301.

MR. SMITH MADE A MOTION TO APPROVE THE RULES AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Gray advised that the Board wanted to seek a restraining order against Guardian Security and Jeffrey T. Preece for unlicensed activity. The law cannot find Jeffrey Preece to serve the restraining order. A dismissal is brought before the Board for their decision.

MR. SMITH MADE A MOTION TO DISMISS THE CASE. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Gray presented the Board with a copy of the By-Laws and the revisions.

MR. SMITH MADE A MOTION TO AMEND THE BY-LAWS AS PRESENTED BY THE ATTORNEY. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Gray presented the Board with the retainer agreement to be renewed.

MR. SMITH MADE A MOTION TO ACCEPT THE AGREEMENT AS PRESENTED. SECONDED BY MR. TAYLOR. MOTION CARRIED.

Mr. Gray reminded the industry that the 919 area code was assigned an overlay area code in the first quarter of 2012. Therefore, the industry should already have begun programming/re-programming alarm panels that may be assigned a new area code.

MR. SMITH MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MS. RAY. MOTION CARRIED.

GOOD OF THE ORDER

Mr. Smith stated that this meeting will be the last one for Chairman Phillips. He is not seeking reappointment as a public member. Mr. Phillips has also retired from the State. He thanked Mr. Phillips for his service and dedication to the Board throughout the many years he has served.

Mr. Phillips thanked everyone and has enjoyed his terms. He has tried his best to be fair and to do the right thing.

The Board meeting will go into recess at this time.

Mr. Smith re-opened the Screening Committee in open session. Mr. Clyde Lovette accepted not to go into close session.

The Board reviewed the background report for Mr. Lovette.

MR. PHILLIPS MADE A MOTION TO APPROVE MR. LOVETTE FOR A BURGLAR ALARM BUSINESS LICENSE WITH THE CONDITION HE PASS THE NC BOARD OF ELECTRICAL CONTRACTOR'S LOW VOLTAGE EXAM OR EMPLOY A FULL TIME EMPLOYEE WITH A NC ELECTRICAL CONTRACTOR'S LICENSE PRIOR TO ISSUANCE OF LICENSE. SECONDED BY MR. TAYLOR. MOTION CARRIED.

MS. RAY MADE A MOTION TO APPROVE THE ACTIONS OF THE SCREENING COMMITTEE. SECONDED BY MR. TAYLOR. MOTION CARRIED.

MR. SMITH MADE A MOTION TO ADJOURN THE SCREENING COMMITTEE. SECONDED BY MR. TAYLOR. MOTION CARRIED.

The Screening Committee Adjourned at 11:05 a.m.

MR. SMITH MADE A MOTION TO ADJOURN. SECONDED BY MR. TAYLOR. MOTION CARRIED.

Meeting Adjourned: 11:10 a.m.

Anthony Bonapart Deputy Director		
Nan Williams		
Reporter		